



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 2, 1993

Mr. Brian R. Herrick  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Boulevard  
Austin, Texas 78705-4294

OR93-412

Dear Mr. Herrick:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19858.

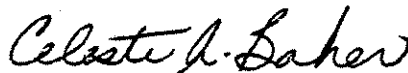
The Texas Department of Banking (the "department") has received a request for an "[a]pplication filed by Citizens State Bank of Dalhart to purchase assets and assume liabilities of First State Bank, Vega, Texas." The requestor also seeks all related attachments and correspondence. You advise us that you do not object to release of some of the requested information, including the application itself and schedule IV submitted with the application. You have submitted to us for review, however, schedules I, II, III, and V; the attachments submitted with the application; and a March 19, 1993, letter from Citizens State Bank to the department and claim that this information is excepted from required public disclosure by sections 3(a)(1), 3(a)(10), and 3(a)(12) of the Open Records Act.

Section 3(a)(1) of the Open Records Act excepts from required public disclosure information deemed confidential by statutory law. Subsection (a) of article 342-210, V.T.C.S., of the Texas Banking Code provides in part that

all information obtained, either directly or indirectly, by the Banking Department relative to the financial condition of any bank or bank holding company *other than call reports and profit and loss statements*, whether obtained through examination or otherwise, *except published statements*, and all files and records of said Department relative thereto shall be confidential, and shall not be disclosed by the Banking Commissioner or any officer or employee of said Department. [Emphasis added].

The requested information is information obtained by the department and concerns the financial condition of a bank. We have examined the information submitted to us for review and conclude that it is confidential and must be withheld under section 3(a)(1) of the Open Records Act pursuant to article 342-210 of the Banking Code, as that article's exclusions from confidentiality are not applicable here. *See generally* Open Records Letter No. 92-564 (1992). Because we conclude that section 3(a)(1) excepts the requested information from disclosure, we need not consider the other arguments you have raised. If you have questions about this ruling, please contact this office.

Yours very truly,



Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/GCK/jmn

Ref.: ID# 19858

cc: Mr. Daniel B. Conroy  
Senior Financial Analyst  
Ford & Ferraro  
2000 San Jacinto Center  
98 San Jacinto Boulevard  
Austin, Texas 78701-4286